

# United States Court of Appeals For the First Circuit

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No. 08-1002

## IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION

THERESA SHEPLEY; LARRY YOUNG,

Plaintiffs, Appellants,

v.

JOHNSON & JOHNSON; CENTOCOR, INC.;  
ORTHO-BIOTECH PRODUCTS, L.P.,

Defendants, Appellees.

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## JUDGMENT

Entered: September 28, 2009

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is vacated, and the matter is remanded to the district court for further proceedings consistent with opinion issued this day. No costs are awarded.

By the Court:

/s/ Margaret Carter, Chief Deputy Clerk

cc: Hon. Patti B. Saris, Ms. Sarah Thornton, Clerk, United States District Court for the District of Massachusetts, Michael S. Raab, Esq., Steve Berman, Esq., Rita Hanscom, Esq., Donald Haviland, Esq., Steven Edwards, Esq., Andrew Schau, Esq., D. Scott Wise, Esq., Scott Kinzel, Esq., Jennifer F. Connolly, Esq., and Eric Fleisig-Greene, Esq.